



County of Yolo

BOARD OF SUPERVISORS

625 Court Street, Room 204
Woodland, California 95695-1268
(530) 666-8195 FAX (530) 666-8193
www.yolocounty.org

First District – **Michael H. McGowan**
Second District – **Helen M. Thomson**
Third District – **Matt Rexroad**
Fourth District – **Mariko Yamada**
Fifth District – **Duane Chamberlain**

County Administrator – Sharon Jensen
Clerk of the Board – Ana Morales

September 2, 2008

Phil Isenberg, Chair
Delta Vision Blue Ribbon Task Force
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Chair Isenberg and Members of the Task Force:

Thank you for another opportunity to comment on the Blue Ribbon Task Force's draft strategic plan. We appreciate that the third draft of the plan appears responsive to some of the comments in our letter of August 4.

After observing the August 21 and 22 meetings of the Task Force and the discussion of the strategic plan, it is not at all clear that this plan will be in a condition appropriate to submit to the Delta Committee and the Governor in the time frame allotted. We understand that the Task Force does not wish to extend the deadline for completion of the plan, but it must recognize that fundamental changes between versions make it difficult for the public to understand, much less effectively comment on the plan. As was mentioned several times at your August meeting, once this plan is submitted, its contents will have a life of their own no matter how little deliberated or thought out, which should be weighed against meeting your deadline.

In our August letter, we requested that the strategic plan show how it will interact with other plans, existing or in development, that address governance and operations of the Delta. This remains inadequately addressed.

We also requested that the strategic plan address its own implementation, at least in terms of needed next steps and their timing. We appreciate the difficulty of this task and the effort in this draft to address this need. We note, however, that many if not most of the deadlines have no substantiation and thus appear arbitrary, not to mention unconnected with the state's legislative and budget calendars. In addition, where terms like "immediately" are used - in connection to changes in governance, for example - the plan's credibility is lost when the complexity of the task that should be done "immediately" is not adequately addressed.

The Task Force has only recognized two legs of the three legged stool that is the Delta, and has failed to adequately recognize and address the Delta itself – as neither plumbing fixture nor ecosystem. There is little focus on and almost no analysis of the burden those in the Delta are apparently expected to carry just because they happen to live there. The phrase “recognition, not abandonment” is lofty in concept, but is not carried through to the actual proposals in the plan. For example:

- The plan appears to assume that tourism and recreation will replace lost agricultural dollars, but no analysis has been done to support this assumption.
- There is no analysis of the impacts of the changes in land use proposed, such as creating 100,000 acres of habitat.
- The plan places inordinate emphasis on establishment of a National Heritage Area designation, with absolutely no factual support for why this is worth the very substantial effort needed to achieve it. Where are the case studies or other evidence that explain why this should be a priority, or that quantify or even explain the actual benefits that will accrue?

The plan contains a jumbled and often inexplicable laundry list of land use recommendations that do not work together, and many are not implementable as written.

The plan transfers some levels of land use authority to the Delta Protection Commission (DPC), requires different land use plans for different areas to be developed either by the DPC or jointly by DPC and local governments, and subjects them to various certifications or approvals. Among other proposals, the plan would immediately transfer direct land use permit authority in the primary zone, for several legacy communities, and in other areas outside the primary zone to the DPC.

Please consider:

- Land use permitting does not take place in a vacuum – what documents would govern the pertinent land use controls if authority is transferred immediately to the DPC? The counties’ general plans are already required by law to be consistent with the Delta Protection Act (DPA) – would they be obviated by the change in authority?
- DPC’s Resource Management Plan is widely acknowledged to be woefully out of date and inapplicable to present conditions as well as to those the Task Force wishes to see in the future, thus cannot be the governing document.
- DPC clearly does not have the capacity to undertake this task.
- The plan is internally inconsistent. It states that the CDEW plan will articulate state land use interests in and around the Delta, but the plan proposes to transfer land use controls in much of that area to a state agency before the articulation of why and where it may make sense to do so.

The Task Force is *de facto* redrawing the boundaries of the Delta. The plan suggests immediate and longer term changes to land uses and gives land use controls and authority outside the legal Delta in both defined and undefined geographic areas to state agencies. Such authority changes will create a murky muddle of authority, presumably subject to the Delta Protection Act, over areas where the DPA does not currently pertain.

The plan proposes that it be adopted as the governing document for the Delta until the CDEW plan is prepared and adopted. According to that recommendation, this plan, in its present conceptual and amorphous form, would govern the actions of over 200 local, state, and federal entities and a greater number of plans currently operating in the Delta. Without adequate public review, any assessment of legal integrity, and the cost and financing analysis that should be done for such sweeping changes, this plan would be the governing document until an unknown future date when a governing body that doesn’t exist will create another plan to supplant it? No, this is unacceptable.

The need for land management in perpetuity, and the role and potential benefits of a Conservancy in the Delta are missing and inadequately described, respectively. The plan, and the public, must recognize that the proposed 100,000 acres of habitat must receive adaptive management and adequate funding if the lands in question are to deliver the ecosystem benefits intended, and if they are to satisfy the regulatory requirements needed to continue exporting water. The state currently has two Conservancies that offer good models that should be examined: the State Coastal Conservancy and the Santa Monica Mountains Conservancy. Please refer to our letter of August 4, which offered detailed comments on desired characteristics of a Delta Conservancy.

Last, as noted by the Task Force itself, the finance section of this plan remains extremely weak and unsupported. As representatives of those who live in the Delta, we request that you include in this plan an actual funding plan with more explication and reliability than a simple reliance on state general obligation bonds and an undefined fee proposed to be paid by undefined beneficiaries. We absolutely support and applaud Chair Isenberg's statement that the management costs for management of habitat or public lands must not rely on the state's general fund nor be subject to the vagaries of the state budget process. Recognize that we have to live with these proposed changes, don't abandon us to inadequate funding for the far-reaching changes you wish to see occur.

In addition, there are no assurances that those in the Delta won't be left with a piecemeal approach or one that won't sustain itself. This version of the plan has local governments handing over land use and economic development to a state agency with no capacity to undertake those tasks. This capacity will only come from increased funding from the state's general fund, an uncertain outcome at best.

This plan must contain guarantees that implementation of its proposals will not redirect significant, unmitigated adverse impacts to those in the Delta or upstream, including local jurisdictions.

We appreciate the opportunity to submit these comments. We look forward to providing further comments on subsequent drafts and continuing to work with the Task Force on future phases of the Delta Vision process. Please contact Julia McIver, Water and Conservation Programs Manager, at 530.406.4889, if you have any questions.

Cordially,



Duane Chamberlain
Chairman
Yolo County Board of Supervisors



Mike McGowan
Supervisor, First District
Yolo County Board of Supervisors

cc: Senator Mike Machado
Assemblymember Lois Wolk
Solano County Board of Supervisors
Contra Costa County Board of Supervisors
Sacramento County Board of Supervisors
San Joaquin County Board of Supervisors